



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,459	01/26/2001	Rocco Pellegrinelli	595-021PA	6223

29673 7590 02/23/2005  
STEVENS & SHOWALTER LLP  
7019 CORPORATE WAY  
DAYTON, OH 45459-4238

EXAMINER
----------

WALLACE, SCOTT A

ART UNIT	PAPER NUMBER
----------	--------------

2675

DATE MAILED: 02/23/2005

14

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/771,459

Applicant(s)

PELLEGRINELLI ET AL.

Examiner

Scott Wallace

Art Unit

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 25-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-30, 33, 44 and 52-56 is/are rejected.
- 7) ☒ Claim(s) 31, 32, 34-43 and 45-51 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

1. Applicant's arguments with respect to claims 25-56 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 53-56 are rejected under 35 U.S.C. 102(b) as being anticipated by Harrow et al., U.S. Patent No. 5,682,489.

4. As per claim 53, Harrow et al discloses a configurable ticker tape interface (column 3 lines 29-65) for providing performance data regarding a plurality of subjects stored in a remote database (column 3 lines 1-19), the ticker tape interface being arranged to be configurable by the user to specify a subset of the plurality of subjects (column 3 lines 19-65), to obtain current performance data and historical data from the remote database regarding the selected subset of subjects (column 3 lines 1-5), and to generate user-controlled movable icons of the ticker tape interface (column 3 lines 28-45), each icon representing the current performance data and historical data for selected subject in graphical format (column 3 lines 1-65).

5. As per claim 54, Harrow et al discloses processing means for obtaining updated information from a distribution database (monitored system, column 3 lines 1-25) regarding a plurality of subjects (computer network, column 1 lines 1-25) and processing the obtained information to display a moving set of graphical images (fig 4C), each image representing current performance data and historical data for a given subject (column 3 lines 1-5); and selecting means for creating a user selection, the selecting means being arranged to configure the processing means to obtain information for a selection of the plurality of

subjects stored in the distribution database (column 3 lines 1-25, the user can pre-select the information to be viewed).

6. As per claim 55, Harrow et al discloses selection means, operable by the user, for selecting a time period of historical data, smaller than that stored in the distribution database for a given subject, which is to be displayed in the set of graphical images (column 4 lines 35-53).

7. As per claim 56, Harrow et al discloses control means, operable by the user, for altering the movement of the set of graphical images (column 4 lines 10-35).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 25-28, 30, 33, 44 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker, U.S. Patent No. 4,934,773 in view of Harrow et al., U.S. Patent No. 5,682,489.

10. As per claims 25 and 52, Becker discloses a method of distributing performance data (stock market information, column 1 lines 54-65) concerning a plurality of subjects (different stocks, column 1, lines 54-65) from a distribution site (central computer, column 1 lines 54-65), the method comprising: storing gathered performance data concerning each of the subjects in a central database (column 1 lines 54-65); on request from the user, providing a stream of data from the central database such a ticker tape is displayed at the user's site, automatically and without user interaction (column 1 lines 54-65). However, Becker does not disclose where the data is graphical historical data and storing this historical data. This is disclosed in Harrow et al in fig 3A, 3C, 4B and column 1 lines 38-47, column 2 lines 63-67, column 3 lines 1-65. It would have been obvious to one of ordinary skill in the art at the time the invention was made to

display the historical data in graphical form because allows a user to make sense out of numbers (column 1 lines 38-47, it is easier to grasp information in graph format then just by looking at the numbers; this also allows for faster interpretation of the information).

11. As per claim 26, Becker does not disclose wherein the stream of historical data is provided as a stream of graphical data. This is disclosed in Harrow et al in fig 3A, 3C, 4B and column 1 lines 38-47, column 2 lines 63-67, column 3 lines 1-65. It would have been obvious to one of ordinary skill in the art at the time the invention was made to display the historical data in graphical form because allows a user to make sense out of numbers (column 1 lines 38-47, it is easier to grasp information in graph format then just by looking at the numbers; this also allows for faster interpretation of the information).

12. As per claim 27, Becker does not disclose wherein a rate of generation of the graphical historical data charts corresponds to the speed of movement of the ticker tape displayed at the user's site. This is disclosed in Harrow et al in column 9 lines 61-67 and column 10 lines 1-5. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Becker with this limitation because this would allow the user to decide how fast they want to view the data.

13. As per claim 28, Becker does not disclose wherein the storing step comprises storing the gathered performance data in the historical data blocks such that each block is partitioned according to predetermined different time periods. This is disclosed in Harrow et al in column 9 lines 37-42. It would have been obvious to one of ordinary skill in the art at the time the invention was made to partition the blocks according to different time periods because the user wants to compare to previous data during specific time periods, therefore the data would have to be stored at these different intervals for later retrieval.

14. As per claim 30, Becker discloses gathering performance data at a central site and subsequently updating the distribution site with the gathered data (column 1 lines 54-65, updating the stock information).

15. As per claim 33, Becker discloses wherein the providing step is initiated by a data request from the user (column 1 lines 54-65, the user request stock information).

16. As per claim 44, this would be obvious to one of ordinary skill in the art at the time the invention was made because since the stock changes daily then the storage would have to be updated before the user request the new information.

17. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Becker in view of Harrow et al as applied to claims 25-28 above, and further in view of Bay, Jr., U.S. Patent No. 5,347,452.

18. As per claim 29, Becker in view of Harrow does not disclose wherein the historical data blocks are each partitioned in daily, weekly, monthly, and yearly time periods. This is disclosed in Bay in column 2 lines 34-43. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the historical data partitioned into these different time periods because this stock data is best looked during differing time periods.

***Allowable Subject Matter***

19. Claims 31-32, 34-43, 45-51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

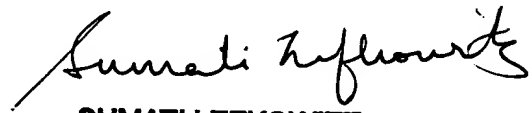
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Wallace whose telephone number is 703-605-5163. The examiner can normally be reached on Monday thru Friday from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz, can be reached on 703-306-0403. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**SUMATI LEFKOWITZ**  
**PRIMARY EXAMINER**